

II. PROLOGUE

In order to provide a historical context for the CDF Archaeology Program, a brief review of the events leading up to the establishment of this program will be presented. This account reviews a few highlights in the history of forestry in California before cultural resources management was to become a concern for land managers. Federal environmental and cultural resource protection laws have created the institutions and established many of the concepts that direct the CDF Archaeology Program. The role of California state government in archaeology and historic preservation set the precedent for an archaeology program within CDF. These topics provide the background necessary for an appreciation of the need and purpose of the CDF Archaeology Program.

CDF History

During the nineteenth century, concern over the depletion of natural resources prompted a national debate on conservation issues. These deliberations led to the creation of a federal forest reserve system. In California, the state legislature established a State Board of Forestry in 1885. This was one of the first state-appointed forestry commissions in the nation. The Board was made up of a group of businessmen who were authorized to investigate, collect, and disseminate information about forestry. In 1887, the Board of Forestry members and their assistants were given the power of peace officers to enforce compliance with state laws regarding brush and forest lands. Interest in the conservation of natural resources had temporarily become a part of state government, but in 1893 a hostile political climate succeeded in abolishing the first Board of Forestry.

On March 18, 1905, the state legislature approved the Forest Protection Act. This legislation established a new Board of Forestry, created the position of State Forester, and placed Big Basin State Park under the authority of the Board. The State Forester was empowered to fight fires, plant trees, care for the state parks, hire assistants, and appoint citizens as fire wardens (Clar 1977). In this same year the Federal Forest Reserves were transferred to the Department of Agriculture and became the United States Forest Service (USFS). Concern over possible federal legislation to control logging on private lands motivated action at the state level. The passage of the 1905 Forest Protection Act resulted in the establishment of the state forestry organization that is known today as CDF. The conservation mandate of CDF grew out of these early legislative efforts.

In 1919, the Forest Protection Act was strengthened and the State Forester was given contracting authority. The Board of Forestry was reorganized to consist of the State Forester and four appointed members representing the timber industry, livestock, hay and grain, and the public at large. An early Board chairman and governor of California, George Pardee, worked tirelessly towards the conservation of forest lands and the protection of watersheds from fire. The legislature also appropriated funds for fire protection in 1919 and four District Fire Rangers were hired. In 1921 a lookout cabin was placed on Mt. Oso overlooking the upper San Joaquin Valley. The next year a steel lookout tower was built on Mt. Bielawski between Santa Cruz and Santa Clara Counties (Clar 1977). These early efforts established the precedent of state government involvement in fire prevention and suppression.

Legislation was passed in 1927 that reorganized state government. A Department of Natural Resources was created that included a Division of Forestry and a Division of Beaches and Parks. The Board of Forestry was restructured to include seven appointees of industry and the removal of the state forester. The Board lost its executive power and became a policy-making body (Clar 1977). A State Park Commission was created to oversee the new Division of Beaches and Parks. The State Park System had remained under the jurisdiction of the Board of Forestry up until this time. Throughout these changes, the state maintained a concern for timber management and for the protection of public recreation, watershed, and wildlife habitat areas.

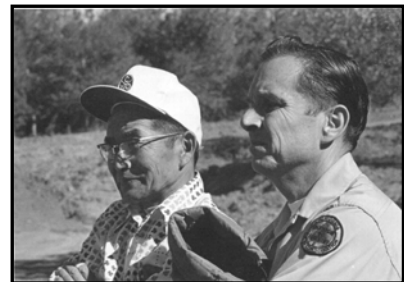
For many years, the California State Chamber of Commerce believed that the protection of forests represented an important economic consideration. Through their leadership they encouraged the citizens of California to actively support the official agencies responsible for forest protection so that losses from fire, insects, and disease could be kept to a minimum. As a result of this activism, thousands of citizens devoted considerable time and effort toward forest protection work.

During the 1930s, the state acquired several parcels of property by gift deed. These became the first state forests, beginning with Los Posadas in Napa County, Mt. Zion in Amador County, and Ellen Pickett in Trinity County. On September 28, 1930, the State Lands Commission exchanged 10,957 acres of lands administered by the state for 9,033 acres administered by the Lassen National Forest. This parcel would become Latour State Forest in 1946. After World War II, the idea of buying cut-over land and establishing a state forest system reached a receptive state legislature. On July 17, 1945, the State Legislature appropriated \$100,000 so that CDF could acquire the lands that became Latour State Forest through purchase from the State Lands Commission. Appropriations for Mountain Home State Forest and Jackson State Forest followed in 1946 and 1947 respectively. Boggs Mountain State Forest was purchased in 1949 with additions in 1972. Additional properties have been added to the system that now includes nine units totaling 73,680 acres.

Public pressure over destructive logging practices prompted a need for regulations to control the harvesting of timber resources. Legislation passed in 1943 made it illegal to cut a coniferous tree less than 18 inches in diameter for commercial purposes. This law had little practical application, but it was the first mandatory regulation of its kind and demonstrated a growing public concern over environmental issues (Clar 1977). In 1945, the Forest Practice Act was passed into law to regulate commercial timber harvesting on nonfederal lands in California. Several regional committees composed primarily of industry representatives met to formulate rule proposals. The Board of Forestry was restructured once again, and in 1946 the State Forester began the registration of timber operators. After extensive public hearings, new Forest Practice Rules were approved by the Board of Forestry in 1947. These were the most comprehensive forestry rules in the nation at that time and gave CDF the responsibility for regulating forest practices on private land throughout the state (Arvola 1976:5-13). The primary purpose of the act was to protect the productivity of timberlands and gave no authority for the protection of other resource values. The Forest Practice Program was initially directed towards education and persuasion due to the philosophical orientation of its proponents. The lack of penalties or punitive measures made it difficult to enforce compliance (1976:16).

Over the years the general public has played an increasingly important role in the development of forestry policies. This concern was slow to materialize, however, and not until the 1950s did public interest in forestry issues begin to make itself felt through the advocacy of various conservation organizations. The Sierra Club and the Izaak Walton League expressed dissatisfaction with the Forest Practice Act and lobbied for the protection of resource values other than timber production, such as watersheds, wildlife, recreation, and aesthetics. Timber industry representatives, on the other hand, produced favorable reports on cutover lands and used Board of Forestry meetings as a forum to espouse their views. Logging regulations have been proposed in response to public outcry and have only been implemented to the extent that industry and private landowners were willing to accept these constraints. Revisions to the Forest Practice Act in 1951 provided enforcement powers for the first time (Arvola 1976:18-21). Actions by the Board of Forestry in 1957 were the first to recognize values other than forest regeneration and productivity (1976:33). Bills proposed in the California legislature during 1963 by fish and game interests to protect water resources failed due to the strength of the industry lobby (1976:48). During 1967, eleven bills were introduced in the California State Assembly to amend the Forest Practice Act to include protection for resources other than timber productivity, but all were unsuccessful (1976:27-28). CDF found little support in efforts to strengthen the regulations, but public perceptions began to change in the 1950s as aggressive logging operations were undertaken on both private and national forest lands (1976:31).

Conflict over the rights of counties to develop their own forestry regulations led to a court battle with profound implications. During this case, the court observed that "few, if any industries adversely affect the rights of others, and the public generally, as do timber and logging operations" and found that the Forest Practice Regulations were "decreed exclusively by persons pecuniarily interested in the timber industry." As a result of this complex litigation, the State Court of Appeal in 1971 ruled that the Forest Practice Act was unconstitutional. In the ensuing months there were virtually no controls on private timber operations in the state leading to a protracted struggle to formulate replacement legislation. A compromise was finally reached with the Z'Berg-Nejedly Forest Practice Act which was signed into law on September 26, 1973. Governor Ronald Reagan appointed a new Board of Forestry on February 5, 1974 (Arvola 1976:67-75). The new law had more stringent regulations on logging operations and contained provisions that timber harvesting plans for commercial operations must be prepared by Registered Professional Foresters (RPFs). Under this new legislation, RPFs had greater responsibility for protecting the resource values specified in the law and would therefore have greater public accountability (Martin 1989:64).



Board of Forestry Chairman Howard Nakae and CDF Inspector Ed Martin reviewing a THP in 1973.

A focal point of public concern over forestry issues has been the magnificent coast redwoods of northwestern California. The effort to preserve these spectacular trees has generated extensive public debate and controversy. The Save-the-Redwoods league was formed in 1918 by prominent individuals with the goal of preserving the remaining redwood forests. This organization carried out an aggressive fund-raising and public relations campaign as well as

lobbying for the creation of a state park system and state park commission (Hata 1992:11). A proposal in the early 1950s would have created a redwood national forest extending from Mendocino to Del Norte Counties (Arvola 1976:17-18). In 1963, the world's tallest tree was discovered along Redwood Creek in Humboldt County (Arvola 1976:24-25). This discovery was one of the factors leading to the establishment of Redwood National Park in 1968. Ever since the creation of this park, it has been surrounded by controversy. Proposals to expand the area of the park resulted in an accelerated effort by logging companies to harvest their properties in the Redwood Creek drainage. These actions incited considerable public outrage and led to allegations of damage to the park.

In 1974, the Natural Resources Defense Council (NRDC) filed a lawsuit against several timber companies conducting operations near Redwood National Park. On January 14, 1975, Judge Arthur B. Broaddus of the Humboldt Superior Court ruled that the 1973 Forest Practice Act came under the requirements of the California Environmental Quality Act and that Environmental Impact Reports were needed for timber operations. This decision stunned the timber industry and had a profound impact on the state's Forest Practice Program (Arvola 1976:79-81; Martin 1989:70). The far-reaching implications of this decision will be discussed in more detail in the following chapter.

In 1961, the Department of Natural Resources was abolished and the Division of Forestry was transferred to the new Department of Conservation. The Division of Forestry separated from the Department of Conservation and became the Department of Forestry on January 1, 1977. In 1987, the department name was changed to the Department of Forestry and Fire Protection (Martin 1989:273). The acronym "CDF" has persisted as a widely recognized designation through many of these changes.

As residential development has extended into the forested regions of California, local opposition to timber harvesting has steadily increased. The general public seems to be uncomfortable with logging operations in close proximity to where they live. This has been disparagingly referred to as the NIMBY (Not In My Backyard) syndrome, but has created real problems for project proponents (Martin 1989:182). As the mandate for natural resource conservation was being shaped by the political struggles during the early years of CDF history, the protection of cultural resources was probably not lurking in the most remote recesses of anyone's imagination. This would begin to change, however, with the passage of the California Environmental Quality Act (CEQA). Before the consequences of this legislation can be considered, a brief review of federal environmental and cultural resource protection laws and regulations will help set the stage for the events to come.

Federal Legislation

Throughout the course of the twentieth century, a number of federal laws have been enacted in an effort to preserve and protect cultural resources. Most of these laws are specifically intended to control the impacts of federal government actions on the natural and cultural environment. Some have wider implications and directly influence the activities of CDF. One example where federal regulations apply to CDF's programs includes all situations where federal funds are used for projects administered by CDF. Such projects constitute "undertakings" and compliance with

federal law and regulations is accomplished through programmatic agreements among the federal agencies providing the funding, CDF, and state and federal review agencies. Although other federal regulations have had a less direct impact on CDF, they have had important implications nonetheless. For example, the existence of the State Historic Preservation Officer and the California Historical Resources Information System results from federal mandates. The following discussion provides brief summaries of some of these federal laws and the implications they have for CDF procedures.

Concern over the removal of artifacts from archaeological sites on federal land led to the nation's first historic preservation law, the Antiquities Act of 1906. This law prohibited the excavation, removal, or defacement of "objects of antiquity" from public lands without a permit from the Secretary of the Interior. It also authorized the President to designate areas of public land as national monuments (King 1998:271). A ruling in 1974 by the Ninth Circuit Court of Appeals found this law to be "unconstitutionally vague" because it did not specify the age of an object in order to be considered an antiquity (1998:19). Although this law applied only to federal lands, it serves as an important legislative benchmark signaling the inception of public concern for the protection and preservation of cultural resources. Certain provisions of this law have only become common practice in the latter portion of the twentieth century (Hata 1992:74).

The Historic Sites Act of 1935 authorized the National Park Service (NPS) to implement a program to identify, register, describe, document, acquire, and manage places of importance to the history of the nation (King 1998:14). As a result of this act, the NPS became the preeminent federal historic preservation agency and began conducting archaeological research outside of the national parks. These activities led to the development of the Interagency Archeological Salvage Program. An important component of this legislation was that it emphasized the permanent physical preservation of cultural properties in place (Hata 1992:74).

Through the National Reservoir Salvage Act of 1960, Congress authorized appropriations to the NPS for the salvage of archaeological data from sites threatened by the reservoir construction projects being carried out by the Army Corps of Engineers (King 1998:14). This legislation set an important precedent within the archaeological community by recognizing that not all archaeological sites could be preserved and that many would be sacrificed to progress, but allowing archaeologists the opportunity to salvage a sample of the information contained in these sites before they were destroyed (Hata 1992:75). The difference in theoretical orientation between the Historic Sites Act and the Reservoir Salvage Act created a conflict between preservationists and the archaeological profession. The mandate of the Historic Sites Act emphasized the preservation of cultural resources because of their intrinsic importance while the Reservoir Salvage Act merely gave archaeologists the opportunity to extract data from sites on the verge of destruction (King 1978b:432; King and Lyneis 1978:874).

The National Historic Preservation Act (NHPA) of 1966 established a federally supported program for the identification, protection, and rehabilitation of historic properties (King 1978b:433; King 1998:15-16). The NHPA created the nationwide system that directs much of the historic preservation and cultural resource management activities that are being conducted to this day. This legislation established several institutions including the National Register of Historic Places, the Advisory Council on Historic Preservation, and the State Historic

Preservation Officers. The National Register of Historic Places (NRHP) is a list maintained by the NPS of districts, sites, buildings, structures, and objects determined to be of historic, cultural, architectural, archaeological, or engineering significance (1998:266). The Advisory Council on Historic Preservation (ACHP) advises the President and Congress on historic preservation issues and reviews projects under Section 106 of the NHPA. The council is made up of 20 members including presidential appointees, agency heads, and other people specified by the NHPA (King 1998:265). Section 106 of the NHPA stipulates that federal agencies must take into account the effects of their actions on properties listed on the NRHP and afford the ACHP a reasonable opportunity to comment on their actions (1998:59). The State Historic Preservation Officer (SHPO) is a state official appointed by the governor to carry out a variety of functions specified in the NHPA. These functions include the administration of federal grants to aid states in historic preservation, identification of historic properties and their nomination to the NRHP, preparation of state historic preservation plans, review of Section 106 compliance documents, and consultation with other agencies and the public on preservation issues (1998:30-31).

The passage of the NHPA had broad implications covering many government actions. At the state level, it necessitated the creation of a mechanism to implement the new provisions including a comprehensive state historic preservation plan, the administration of a matching grants program, a statewide inventory of historic sites, and nominations to the NRHP. In California this federal program was administered by the Department of Parks and Recreation (Hata 1992:111). Section 106 of the NHPA and its implementing regulations apply to CDF administered projects that utilize federal funds and those conducted upon federal lands. This legislation changed the direction of historic preservation throughout the nation, but many federal agencies were slow to respond. It would take some time before they were able to develop programs and demonstrate a strong commitment to preservation (1992:212).

In the years immediately following the passage of the NHPA, there was widespread concern that significant properties were being lost before they could be placed on the NRHP. In response to this possibility, President Richard Nixon signed Executive Order 11593 in 1971, which directed federal agencies to provide the same level of protection for sites that were eligible for listing on the NRHP as those that were actually listed. The provisions of this order were subsequently incorporated directly into the NHPA (King 1998:209).

Growing public concern over the deterioration of the environment led to a major legislative landmark with the passage of the National Environmental Policy Act (NEPA) in 1969. NEPA is primarily a natural resource management authority that requires federal agencies to consider the effects of their actions on the environment. It also contains provisions for the protection of cultural resources, stating that it is the responsibility of the federal government to "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety of individual choice." It further directs agencies to "insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations" (King 1998:35-36). This legislation caused federal agencies to begin developing cultural resource management programs by hiring staff and developing procedures to comply with its directives (1998:16-17). In California, the state legislature responded to this new federal statute and to growing public pressure to protect the state's natural and cultural environment by

passing the California Environmental Quality Act. This state legislation will be discussed in the following chapter.

The Archaeological and Historic Preservation Act, also known as the "Archaeological Data Preservation Act" and "Moss-Bennett" was passed by the U.S. Congress in 1974. This legislation amended the Reservoir Salvage Act to include all federal and federally assisted or licensed construction projects in addition to dams and reservoirs. This law directs federal agencies to report to the Secretary of the Interior if their projects may cause the loss of significant scientific, prehistoric, historic, or archaeological data. Efforts must be made to recover this data and up to one percent of project costs can be transferred to the Department of the Interior to conduct this work (King 1998:200). This legislation was strongly supported by the archaeological community because it provided a reliable source of funding for archaeological research. Unfortunately, it continued to emphasize the salvage of archaeological sites at the expense of preservation and became another "salvage statute, reflecting a traditional archaeological approach to the increasing widespread federally assisted destruction of cultural resources" (King 1978b:433).

The Archaeological Resources Protection Act (ARPA) of 1979 grew out of the court ruling that found the Antiquities Act of 1906 to be unconstitutional. This updated legislation prohibits anyone from excavating or removing archaeological resources from federal and Indian lands without a permit from the responsible land management agency. It also forbids the sale, purchase, exchange, transport, or receipt of any resources removed in violation of the previous provision, or any other law. Penalties include fines, jail terms, and the confiscation of objects removed and property utilized in the course of that removal (King 1998:197-198).

During the 1970s, tribal concern for the protection of ancestral remains, artifacts, sites, spiritual places, subsistence use of natural resources, as well as cultural and religious practices led to an increase of political activism by Native American groups and organizations. These efforts resulted in the passage of the American Indian Religious Freedom Act (AIRFA) in 1978 and eventually the Native American Graves Protection and Repatriation Act (NAGPRA) in 1990. AIRFA protects the rights of Indian tribes to the free exercise of their traditional religions and directs agencies to consult with tribes when actions might affect these religious practices. NAGPRA requires that federal agencies and museums that have received federal funds repatriate Native American ancestral human remains and cultural items to tribes that can demonstrate a genetic or cultural affiliation with these remains and items (King 1998:272-273). The efforts of CDF to respect Native American values and to comply with NAGPRA will be described in a subsequent chapter.

The USFS exerted a strong influence on CDF during its formative years through a relationship of cooperation and assistance between the two agencies. Motivated by the enactment of the NHPA and NEPA, the Forest Service began to implement a nationwide archaeology program, demonstrating an early commitment to preservation. In the early 1970s, the USFS was the principal federal agency with an archaeological program in California. With only one archaeologist to cover all of the national forests in the state, efforts were directed towards managing prehistoric resources and providing in-forest ranger training (Moratto 1973:7). By 1979, the USFS employed 22 full-time professional archaeologists and 90 seasonal student

archaeologists in California. This staff continued to provide paraprofessional training sessions to teach other Forest Service field personnel to survey, identify, and document cultural resources located in the course of their primary duties (Pesonen 1979). This may have been the original source of the concept to train foresters in archaeology later adopted by CDF (Marianne Russo, personal communication).

California State Government and Archaeology

The federal environmental and cultural resource protection statutes and regulations discussed above have directly affected the management of cultural resources in California. Before the federal mandates were enacted, however, state government had already taken a prominent role in historic preservation activities. The establishment of an archaeology program within state government would be the first step towards the implementation of a corresponding program within CDF.

The inception of concern for the preservation of historic resources can be traced to the very earliest years of Euro-American history in California. Initially concern was directed towards the preservation of objects and documents, but in the latter half of the nineteenth century efforts were undertaken to protect some of the sites and structures important in the state's early history. A combination of historically minded organizations, nativist groups, religious institutions, and government officials constituted this early preservation movement. These preservation activities were primarily motivated by religious beliefs, filial piety, patriotism, education, and economics (Hata 1992).

This early preservation movement in California did not include a similar concern for the protection of the state's archaeological resources. The remnants of Native American culture were virtually ignored by those working to preserve other components of California's heritage (Hata 1992:73). The lack of an impressive architectural tradition, or an elaborate ceramic industry brought about a decided disinterest in California archaeology (Riddell 1965). This disregard for the prehistoric past was just one example of cultural attitudes towards Native Americans. History texts often began with the arrival of Europeans and heritage preservation was usually directed towards sites and structures related to their occupation. The exclusion of minority groups, including Native Americans, perpetuated a distorted perception of the past (Hata 1992:74).

In spite of these attitudes, provisions were incorporated into the California Penal Code in 1939 that made it a misdemeanor to willfully injure, disfigure, deface, or destroy objects of historic or archaeological significance on public and private property. Additions to the California Public Resources Code (PRC) in 1965 specified that "No person shall knowingly and willfully excavate upon, or remove, destroy, injure, deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological or historical feature situated upon public lands, except with the expressed permission of the public agency having jurisdiction over such lands." The effectiveness of this law was limited by permissive wording and a provision which prohibited any delay in state construction projects. These and various other state and federal laws for the protection of cultural resources proved to be largely ineffective because of

incomplete statute coverage, public ignorance, inadequate enforcement, and the lack of a systematic management program. Even the State Penal Code did not prevent landowners from destroying their own sites (Hata 1992:76-77; Moratto 1973:4-6).

State government has demonstrated a long-standing involvement with the preservation of historic resources in California. In the late 1920s, the state began to take the lead in historic preservation through the creation of the State Park Commission, the implementation of a statewide survey of landscape and historic sites, and the passage of a bond issue for the acquisition of historic sites. The State Landmark Program was established in 1931 with the passage of Assembly Bill (AB) 171 which authorized the director of the Department of Natural Resources to designate both private and public properties as state landmarks. By 1934, the state owned eleven historic monuments (Hata 1992:11-17). In 1953, a History Section was established within the Division of Beaches and Parks with responsibility to formulate a program of preservation, development, interpretation, and public appreciation of California's historic sites (1992:43). The Division of Beaches and Parks continued with an aggressive acquisition program of important historic sites, and by 1960, the State Park System included thirty-five historic parks and monuments (1992:53).

Public interest in preservation activities intensified in the latter half of the twentieth century to incorporate many new approaches and communities throughout the state. In the early 1960s, the environmental movement sought to lessen the effects of rapid and unplanned development. The historic preservation movement became the unexpected beneficiary of increasing public concern over environmental issues. Alliances began to develop between conservationists and historic preservationists. The increasing concerns for historic preservation would also have implications for the protection of archaeological sites. Cultural resources began to receive consideration under environmental protection laws enacted by the legislature.

State government involvement in cultural resources management also began to intensify in the late 1950s. Passage of the Federal Aid Highway Act in 1956 allowed the U.S. Department of Transportation to use funds for protecting or salvaging archaeological resources. Under the stimulus of this legislation, the California State Division of Highways agreed to participate in an archaeological salvage program. This program got underway on March 6, 1956, when the State Highway Engineer sent a letter of understanding to the Chief of the Division of Beaches and Parks agreeing to provide information such as maps, plans, and construction schedules on proposed highway construction projects (Hata 1992:78). Funds were provided for the salvage excavation of archaeological remains within construction right-of-ways. No funds were provided, however, for preliminary surveys of project areas; the cleaning, cataloguing, or study of specimens; or the preparation of a manuscript or publication of a report (Riddell 1965:2). The State Department of Water Resources began an active archaeology program in 1960 through an interagency agreement with the Division of Beaches and Parks, indicating a recognition of the vast damage their program would have on archaeological resources. This program provided more adequate funding for completing archaeological research (1965:3).

The position of State Archaeologist was created in 1960. Francis A. Riddell, the curator of the State Indian Museum, was given responsibility for the administration of the various state archaeological programs, including those of the Division of Highways, the Department of Water Resources, and the Division of Beaches and Parks. This was the beginning of a statewide

archaeology program. The State Archaeologist Office served as the predecessor to the Office of Historic Preservation (OHP) by nominating sites to the NRHP. The office was also expected to administer the archaeology programs that any other state agency chose to undertake. Initially, the idea of state agencies being involved in archaeology was an innovation and it took some persuasion to get the concept accepted (Riddell 1965:2). The legislation at this time was discretionary and most state agencies chose not to consider cultural resources within their jurisdiction despite many meetings between department heads and the State Archaeologist. "In those days there was very little sympathy for the care and preservation of cultural resources by governmental agencies, although they would often give it lip service as long as they did not have to fund it or let it interfere with development" (Riddell 2001a). One state official, Director Fred Jones, anticipated that the modest archaeological programs of Caltrans and the Department of Water Resources could be adopted by the Reclamation Board, Fish and Game, Forestry, and other state agencies (Hata 1992:82). Riddell would later observe that "With no intent to minimize the importance of the several programs established and still operative, they do not have the legislative nor the popular mandate to do the job facing them" (Moratto 1973:8). Funding limitations and the directive prohibiting construction delays severely limited the ability of the state's archaeology programs to prevent the destruction of resources. Another example of attitudes held by some state officials during this period is indicated by the following incident related by Moratto (1973:19):

In (Shasta) County, the Point McCloud site contained remains dating from historic times back to 3000 B.C. or earlier. Although this critically important site was on state property very near a State Forestry station, collectors from all parts of California and Oregon mined artifacts with impunity until nothing was left. In spite of protests from concerned archaeologists, State Forestry officials remained apathetic to the end (James D. Dotta, Treganza Anthropology Museum, San Francisco).

In 1961, Assembly Concurrent Resolution No. 25 was approved by the state legislature that called for a study of the state's historic resources and the formulation of a long-range plan to preserve, restore, and interpret the state's historic values and resources. The resolution specified that the Division of Beaches and Parks was to produce an inventory of marked and unmarked historical resources establishing a state-administered historical resources inventory. The statewide plan was to include a program for the preservation of sites representing the various geographic regions and historic periods of the state, and proposals for public and private acquisition, development, and protection of authentic historic sites with a strong emphasis on adaptive reuse of these properties (Hata 1992:57).

The passage of the National Historic Preservation Act in 1966 mandated the implementation of several programs at the state level including a state historic preservation plan, a statewide survey of historic sites, nominations to the NRHP, and the administration of a grants-in-aid program (Hata 1992:127). In California, the Department of Parks and Recreation (DPR)(formerly the Division of Beaches and Parks), was given responsibility for implementing the new federal program. Following the passage of the NHPA, some state agencies expanded or introduced preservation programs for areas under their jurisdiction (1992:187). Some agencies were slow to hire cultural resource staff or implement procedures, but soon found themselves facing mandates that required the identification and protection of cultural resources. One of the programs

mandated by the NHPA was the formulation of a state historic preservation plan. This plan contained specific recommendations for the protection of archaeological resources. Archaeological sites were to be identified and inventoried and the information computerized. Sites within the State Park System were to be protected whenever feasible although then Secretary for Resources Norman J. Livermore, Jr., objected to saving every site if the time period contained in a site was represented by other protected sites (Hata 1992:153).

DPR continued to function as the primary archaeological agency in state government throughout the 1970s (Hata 1992:147). From 1972 to 1975, the History Preservation Section administered the state historic preservation programs including the NRHP nominations, California Historical Landmarks Program, Points of Historical Interest, statewide preservation planning, and federal funding for grants-in-aid proposals. DPR was also responsible for reviewing environmental impact reports and studies to determine the effect of public works projects on cultural resources in compliance with Section 106 of the NHPA, NEPA, and CEQA (Hata 1992:147-148). With a staff of two archaeologists it became increasingly difficult to organize and coordinate all of the state's archaeological efforts (Moratto 1973:9). By the summer of 1974, it was obvious that the overworked staff could not keep up with the expanding numbers of reviews pouring into the office (Hata 1992:176-177). In October 1975, DPR Director Herbert Rhodes created the Office of Historic Preservation (OHP) headed by the State Historic Preservation Officer to serve as his staff to implement the federal preservation programs (1992:184). The archaeology program established at DPR has served as the basis for cultural resource management in most other state agencies, including CDF (Dillon 2003:2).



OHP is located on the 14th floor of the Resources Building in Sacramento.

In the 1970s, a proliferation of local ordinances, commissions, and preservation organizations demonstrated a strong community awareness and concern for historic preservation (Hata 1992:227). The concept of preservation as a quality of life issue became widely accepted (King 1998:14). The state legislature recognized the increasing environmental concern and approved the CEQA directly aimed at improving the quality of life for the citizens of the state. The rapid population growth in California following World War II had precipitated unprecedented development and construction activities. Widespread urban and suburban growth, land leveling, agriculture, mining, dredging, logging, railroad construction, industrial and recreational facilities, military exercises, and massive public works projects such as highway construction, dams, reservoirs, and aqueducts led to the wholesale destruction of vast numbers of archaeological sites. Members of the archaeology community became increasingly alarmed at the catastrophic loss of archaeological sites in California. Something had to be done before much of the record of California prehistory was swept away beyond recovery (Riddell



OHP Staff, March 2004

1965:1). A group of these concerned individuals formed the Society for California Archaeology (SCA) in 1966. One of the first major efforts of the new organization was to lobby for legislation to create an archaeological element in the state's general plan and a state archaeological survey. A bill was passed by the legislature, but vetoed by then Governor Ronald Reagan. One reason for the veto was that a somewhat weaker bill on cultural resources, Senate Bill (SB) 215, had already been signed into law on October 1, 1971.

That 1971 law created a task force to study the state's effort to preserve and salvage the archaeological, paleontological, and historical resources of the state and to develop a plan or recommend legislation to accomplish this goal (Hata 1992:195). The bill also provided for Native American participation on the task force and represented the first occasion in California law where Indians were given a role in protecting their own cultural heritage resources (Dutschke 1981:28). A small pamphlet published by the SCA presented the findings of the task force and documented a dismal state of affairs. It was estimated that nearly 50 percent of all archaeological sites in the state had been lost and many of those that remained had been badly damaged. As much as 80 percent of the large, deep, ancient sites were entirely gone (Moratto 1973:2). The task force prepared a list of factors detrimental to archaeology including the lack of systematic surveys; no centralized information repository; the destruction of sites through growth, development, construction, and vandalism; the ineffectiveness of cultural resource laws; the lack of accreditation for archaeologists; poor levels of coordination between institutions conducting archaeology; the absence of public interpretation and education about the archaeology of the state; and the lack of a central agency to provide guidance in the preparation of environmental documents (Moratto 1973:10-11). The task force was officially disbanded in 1976 with the passage of AB 4239 which repealed the sections of the Public Resources Code dealing with its functions and replaced them with new provisions to identify, catalog, and protect Native American historical, cultural, and sacred sites (Hata 1992:200).

The State Historic Resources Commission (SHRC) was created in 1974. Passage of AB 1991 in 1975 directed this commission "to develop criteria and methods for determining the significance of archaeological sites, for selecting the most important archaeological sites, and for determining whether the most significant archaeological sites should be preserved intact or excavated and interpreted." The commission was also "to develop guidelines for the reasonable and feasible collection, storage, and display of archaeological specimens" (Hata 1992:177-179). The commission consists of nine members appointed by the governor to four-year terms. The SHRC has a broad range of responsibilities and duties regarding the state historic preservation program that includes maintaining a statewide inventory of historic resources; establishing criteria for recording, evaluating, and preserving historical resources; and conducting public hearings to develop and review a statewide historical resources plan (OHP 1999:12).

In 1980, Governor Edmund G. ("Jerry") Brown issued Executive Order B-64-80. This order recognized that the cultural resources of California were unique and irreplaceable, that they provided the citizens of California with a sense of history and identity, and asserted that the state must provide leadership in preserving, restoring, and maintaining the historic and cultural environment, and suggested that the preservation of cultural resources would encourage education, recreation, craftsmanship, employment, protection of scarce natural resources, and energy conservation. Based on these observations, all state agencies were directed to initiate

procedures as soon as possible to preserve and maintain, when prudent and feasible, all state-owned sites under their jurisdiction eligible to be listed on the NRHP, and were directed to submit proposed procedures to the State Historic Preservation Officer (SHPO) for review and comment by January 1, 1982. State agencies were also directed to inventory all significant historic and cultural sites, structures and objects under their jurisdiction over 50 years of age which could qualify for listing on the NRHP by July, 1983, and to assure that any such property was not inadvertently transferred or substantially altered until this inventory was completed. The SHPO was directed to advise and assist state agencies in the identification and preservation of their historic properties and provide local governments with information on methods to preserve their historic properties (Edmund G. Brown Jr., Executive Order B-64-80, March 6, 1980, Executive Department, State of California, Sacramento). This was the first time in California that a specific mandate required state agencies to inventory lands under their jurisdiction other than on an individual project basis (Dutschke 1981:28). This executive order was passed into law when SB 1652 was approved by the legislature in September, 1980, becoming part of the Public Resources Code (Hata 1992:125).

The CDF response to this directive consisted of a one-page memorandum listing six facilities and sites under CDF control with the Historic Resources Inventory forms for these sites attached. The six properties included the Little Red Schoolhouse, the Hare Creek Railroad Trestle, a second railroad trestle at Jackson Demonstration State Forest, the Old Altaville School, the Mt. Bielawski Lookout, and the San Jacinto Fire Station (David E. Pesonen to Peter Dangermond, Jr., Memorandum, August 18, 1981, OHP, Sacramento). This modest response represented the first attempt by CDF to inventory the historic resources under their jurisdiction. CDF made a good faith attempt to respond to this directive, but obviously no one in the Department at that time had a complete comprehension of what was being requested. It was becoming apparent that CDF needed in-house cultural resource expertise.

Although preservation issues have received increasing public support, archaeological sites are still destroyed by unsympathetic developers, vandals and relic hunters, and many other causes. Of the thousands of archaeological sites in California, only a fraction have been adequately recorded, and many continue to disappear each year. The combined force of federal, state, and local laws has compelled government agencies at all levels to be more aware of preservation issues. Though it would take some time, the requirements of these mandates would eventually have their intended effect on most state agencies, including CDF. State government continues to be a leading force in heritage preservation efforts.